

ESTTA Tracking number: **ESTTA658657**

Filing date: **03/02/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217562
Party	Defendant Jennifer Zvitco
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Submission	Request to Withdraw as Attorney
Filer's Name	Ryan C Posey
Filer's e-mail	rposey@poseylebowitz.com, jlebowitz@poseylebowitz.com, pratcliffe@attentivelaw.com
Signature	/s/ Ryan C Posey
Date	03/02/2015
Attachments	Request to Withdraw as Counsel.pdf(357463 bytes)

In the Matter of Application Serial No.: 86/061,950
Mark: UNCLE SAM'S MISGUIDED CHILDREN
Published for Opposition in the Official Gazette: January 28, 2014

Opposition No. 91217562
Serial No. 86061950

Paul Ratcliffe, Jacob Lebowitz, and Ryan Posey hereinafter (“Counsel”) hereby request that this Board grant withdrawal as counsel for Applicant Jennifer Zvitco’s (hereinafter “Uncle Sam’s Misguided Children”), pursuant to 37 CFR § 11.116(a) and 37 CFR § 11.116(b). In support of this request, Counsel states as follows:

b. By email dated Wednesday February 18, 2015, Uncle Sam's Misguided Children discharged Counsel in this matter and advised Counsel that the organization had hired other representation. Uncle Sam's Misguided Children did not disclose the identity of other representatives, and Counsel has not been contacted by any other attorney for Uncle Sam's Misguided Children.

c. On February 19, 2015, Counsel sent to Uncle Sam's Misguided Children a letter (attached hereto as **Exhibit A**) acknowledging the disagreement about continued representation and fees.

d. By the February 19 letter, Counsel notified Uncle Sam's Misguided Children that

1. It should obtain other counsel
2. That certain dates in this matter have been set, and that there are certain risks of failing to adhere to deadlines in this matter.
3. That failure to engage in these proceedings will impact the ability to continue in this matter.

e. The February 19 letter also made clear that Counsel would seek to withdraw if Uncle Sam's Misguided Children did not respond or come to resolution of the outstanding matters within seven days.

f. Uncle Sam's Misguided Children has been given reasonable notice of Counsel's intent to withdraw from these proceedings.

Based on the foregoing facts, Counsel is required to withdraw under 37 CFR § 11.116(a)(3) (mandatory withdrawal when "practitioner is discharged"), and Counsel is permitted to withdraw under 37 CFR § 11.116(b)(5) (permissive withdrawal when "The client fails substantially to fulfill an obligation to the practitioner regarding the practitioner's services and has been given reasonable warning that the practitioner will withdraw unless the obligation is fulfilled"). Here, Applicant's discharge of Counsel and non-payment of fees to counsel both authorize and militate that this Board to grant the request to withdraw.

CONCLUSION

WHEREFORE, Counsel Paul Ratcliffe, Jacob Lebowitz, and Ryan Posey, for the reasons stated above, respectfully request that this board permit the above request and strike their appearance as counsel of record in this matter.

Dated: March 2, 2015

Respectfully submitted,

POSEY LEBOWITZ PLLC

ATTENTIVE LAW GROUP, PLLC

By: /s/ Ryan C. Posey

Ryan C. Posey, Esq.

By: /s/ Jacob M. Lebowitz

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Co-Counsel for Applicant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon counsel for applicant this 2nd day of March 2015 by mailing a copy thereof via first-class mail, postage prepaid, to:

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Leatherneck Marketing, LLC
dba / Uncle Sam's Misguided Children
Mr. Rick Ferran & Ms. Jennifer Zvitco
242 S Washington Blvd. Suite 379
Sarasota, FL 34236

/s/ Ryan C. Posey
Ryan C. Posey

EXHIBIT A



Paul Ratcliffe, Esq.
Admitted in Virginia, Maryland, and USPTO

Email: pratcliffe@attentivelaw.com

February 19, 2015

Leatherneck Marketing, LLC
dba / Uncle Sam's Misguided Children
Mr. Rick Ferran & Ms. Jennifer Zvitco
242 S Washington Blvd. Suite 379
Sarasota, FL 34236

Re: *Uncle Sam GmbH v. Jennifer Zvitco*
Trademark Trial and Appeals Board, Opposition No. 91217562, Serial No. 86061950

Dear Mr. Ferran and Ms. Zvitco,

As we have previously discussed, your bills in this matter are in arrears and we cannot continue to represent you without payment for our services and a plan to ensure payment of future fees. You have not provided such payment or such a plan, and thus we are forced to withdraw as your counsel in this matter before the Trademark Trial and Appeals Board. Further, you have notified us that you have obtained alternative counsel and wish to terminate our services.

Please be advised, Attentive Law Group and Posey Lebowitz PLLC will file a motion to withdraw as your representation in the above referenced matter before the Trademark Trial and Appeals Board, upon the sooner of (1) your consent in writing to our withdrawal, or (2) within seven days of this letter if we have not come to another arrangement.

Please be advised that there are important deadlines that are looming and will affect or end your case if not met. For example, the Answer to Uncle Sam GmbH's First Amended Notice of Opposition is due on or before **March 6, 2015**, and a discovery conference must be held by **April 8, 2015**. Your failure to meet these deadlines will impact your ability to continue the case.

You have advised me that you have obtained other counsel, but you have not identified such counsel to me. I advise you that you should obtain other counsel who can enter an appearance in the above-referenced case to protect your interests. Otherwise, you will be proceeding *pro se*, and will have to proceed without the benefit of legal

counsel. Please be advised that your counsel, if any, should immediately file a notice of appearance to substitute in our place. If you intend to proceed with this case without counsel, or to abandon the trademark, you should notify the Trademark Trial and Appeals Board in writing of your intent.

All papers relating to this matter will be transferred to you. As most are stored electronically, they may be delivered electronically to you.

You have the right to consent or object to the Motion to Withdraw as counsel. If you wish to consent, please let me know in writing and I will inform the Board of your consent. If you wish to object, please notify the Trademark Trial and Appeals Board in writing of your objection within seven (7) days of the filing of the Motion.

Regards,
Paul Ratcliffe
Paul Ratcliffe,
Managing Attorney
Attentive Law Group, PLLC

cc: Ryan Posey, Esq.
cc: Jake Lebowitz, Esq.